

## Message Text

UNCLASSIFIED

PAGE 01 STATE 150616  
ORIGIN ERDA-07

INFO OCT-01 NEA-10 ISO-00 FEA-01 ACDA-10 CIAE-00  
INR-07 IO-14 L-03 NSAE-00 NSC-05 EB-07 NRC-07  
OES-07 DODE-00 SS-15 SP-02 /096 R

DRAFTED BY USERDA/OGC:JGLASGOW:WMK  
APPROVED BY OES/NET:DBHOYLE  
USERDA/AIA/IRDP:JVANDERRYN (DRAFT)  
USERDA/AIA/IRDP:SCEJA  
L/OES: C SIEGAL  
NEA/INS: D KUX/R OBER

-----117801 290026Z /63

P R 282236Z JUN 77  
FM SECSTATE WASHDC  
TO AMCONSUL BOMBAY PRIORITY  
INFO AMEMBASSY NEW DELHI

UNCLAS STATE 150616

ATTENTION AMERICAN CONSUL

E.O. 11652: N/A

TAGS: TECH, ENGR, PARM, IN

SUBJECT: TARAPUR FUEL STORAGE

REF: (A) STATE 141159; (B) BOMBAY 1789; (C) BOMBAY 1200

1. AS STATED REFTEL A WE ARE PROVIDING ADDITIONAL LANGUAGE CONCERNING CLAUSE 8, EXCHANGE OF INFORMATION. THE NEW LANGUAGE, WHICH SHOULD BE ADDED AS A NEW PARAGRAPH E, IS AS FOLLOWS: "IE WITH RESPECT TO INFORMATION WHICH IS PROPRIETARY TO ERDA'S CONTRACTORS, GOI AGREES THAT, IN ADDITION TO ACCORDING SUCH INFORMATION THE PROPRIETARY UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 150616

TREATMENT DESCRIBED IN SECTION C. ABOVE, IT WILL NOT USE SUCH INFORMATION FOR ANY PURPOSE OTHER THAN STUDYING THE FEASIBILITY OF INCREASING THE SPENT FUEL STORAGE CAPACITY OF THE TARAPUR STATION. BEFORE USING ANY SUCH INFORMATION (OR PROCURING OTHERS TO USE IT ON GOI'S BEHALF) FOR ANY OTHER PURPOSE GOI MUST FIRST ENTER INTO AN AGREEMENT WITH THE ERDA CONTRACTOR WHO IS THE PROPRIETOR OF SUCH INFOR-

MATION PERMITTING SUCH USE."

2. GOI HAS AGREED TO PROVIDE A LEGAL OPINION REGARDING THE AUTHORITY OF ITS SIGNATORY TO BIND GOI TO ALL UNDERTAKINGS (REFTEL B. PARA 2). WE HAVE PROVIDED A LEGAL OPINION FOR USE OF GOI REGARDING AUTHORITY OF ERDA'S SIGNATORY

REFTEL

A, PARA 3). WE WOULD APPRECIATE EFFORTS OF AM CONSUL IN ASCERTAINING WHEN WE CAN EXPECT TO RECEIVE GOI'S LEGAL OPINION. GOI'S OPINION IS NEEDED BEFORE ERDA CAN EXECUTE A CONTRACT WITH G.E. CONCERNING THE SUBJECT STUDY.

3. WE NOTE THAT A FEW TECHNICAL CORRECTIONS MUST BE MADE IN THE CURRENT TEXT OF THE AGREEMENT AS SET OUT IN REFTEL C. IN CLAUSE 9 OF REFTEL C, THIRD LINE, THE WORD "ITS" SHOULD BE REPLACED BY THE WORD "THEIR". ALSO, REFERENCE TO GOI IS INADVERTANTLY REPEATED IN LINES 5 AND 6 OF CLAUSE 9. WITH THE ABOVE AS WELL AS OTHER MINOR CHANGES, CLAUSE 9 SHOULD READ AS FOLLOWS: "CLAUSE 9: GOVERNMENT OF INDIA AGREES TO IDEMNIFY AND HOLD HARMLESS ERDA, THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND PERSONS ACTING ON THEIR BEHALF, INCLUDING THEIR CONTRACTORS AND SUBCONTRACTORS, AGAINST ANY AND ALL DAMAGES, LIABILITIES, OR COSTS INCURRED BY GOI, DAE, OR ANY OTHER PERSON WHICH MAY ARISE FROM THE USE OR APPLICATION OF THE INFORMATION PROVIDED BY ERDA, ITS CONTRACTORS OR SUBCONTRACTORS TO GOI UNDER THIS AGREEMENT"

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 150616

MENT; PROVIDED THAT INDEMNITY WILL NOT APPLY TO ANY LIABILITY FOR VIOLATION BY GOI OF PROPRIETARY RIGHTS OR PATENT RIGHTS WITH RESPECT TO ANY PROPRIETARY OR PATENTED INFORMATION PROVIDED BY ERDA, ITS CONTRACTORS OR SUBCONTRACTORS, WHICH PROPRIETARY OR PATENTED INFORMATION HAS NOT BEEN SO IDENTIFIED."

4. FOR AMCONSUL: SHOULD ADVISE GOI IF CHANGES GIVEN IN PARAS 1 AND 3 ABOVE AND ASKWHEN WE IGH EXPECT GOI'S LEGAL OPINION. PLEASE ADVISE ASAP. VANCE

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NNN

## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** STORAGE, NUCLEAR FUELS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 28-Jun-1977 12:00:00 am  
**Decapton Date:** 01-Jan-1960 12:00:00 am  
**Decapton Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
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**Disposition Event:**  
**Disposition History:** n/a  
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**Disposition Remarks:**  
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**Document Unique ID:** 00  
**Drafter:** JGLASGOW:WMK  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770231-0372  
**Format:** TEL  
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**Litigation History:**  
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**Message ID:** 87ff7f72-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN ERDA  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 STATE 141159, 77 BOMBAY 1789, 77 BOMBAY 1200  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 15-Nov-2004 12:00:00 am  
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**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 1992367  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** TARAPUR FUEL STORAGE  
**TAGS:** TECH, ENRG, PARM, IN  
**To:** BOMBAY  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009